

ARTICLE X. WATER IMPACT FEES

DIVISION 1. GENERAL PROVISIONS

Sec. 47-381. Purpose.

This article is intended to ensure the provision of adequate public facilities to serve new development in the city by requiring each such development to pay its pro rata share of the costs of water capital improvements necessitated by and attributable to such new development.

(Ord. No. 90-676, § 1, 6-6-90)

Sec. 47-382. Authority.

This article is adopted pursuant to chapter 395 of the Texas Local Government Code and pursuant to the Houston City Charter. The provisions of this article shall not be construed to limit the power of the city to utilize other methods authorized under state law or pursuant to other city powers to accomplish the purposes set forth herein, either in substitution for or in conjunction with this article.

(Ord. No. 90-676, § 1, 6-6-90)

Sec. 47-383. Definitions.

As used in this article, the following terms and phrases shall have the following meanings:

- (1) *Assessment* means the determination of the amount of the maximum water impact fee per service unit that may be imposed on new development pursuant to this article, which determination occurs at the time specified in section 47-391.
- (2) *Building permit* means:
 - a. With respect to buildings or premises within the corporate limits of the city, the general permit required by the Construction Code; or
 - b. With respect to buildings or premises outside the corporate limits of the city or for which a general permit under the Construction Code is not required, a plumbing permit under the Construction Code or under section 47-14 of this chapter.
- (3) *City-constructed water facility* means a water facility paid for wholly or partially by the city, a water facility that has been acquired by the city upon assumption of obligations or debts for the construction costs thereof or by operation of law, a water facility paid for by any other person, firm, corporation or governmental subdivision that has been purchased or otherwise acquired by the city and water facilities paid for partly by the city and partly by others when connection thereto is to be made from property to be served thereby and the owners of such property did not contribute their proportionate share of the cost for the intended land use.
- (4) *Credit* means the amount determined under this article by which a water impact fee is reduced as the result of a payment of a connection charge for city-constructed water facilities imposed pursuant city ordinances referenced in section 47-42 or payment of equivalent charges to a district providing such facilities within the city's water benefit area, prior to June 20, 1990. Credit shall not include payment of a connection fee prior to June 20, 1990, or a payment of charges that are imposed to reimburse a property owner for the cost of extending a water main.
- (5) *Reserved.*
- (6) *Final plat recordation* means the filing of the final plat with the county clerk in the county in which the property platted is located, following compliance with all conditions for plat approval pursuant to chapter 42 of this Code.
- (7) *Improved lot* means a lot on a tract of land on which there is located a complete permanent building capable of being occupied as a dwelling place or place of business.
- (8) *Land use equivalency table* means the table approved by city council converting utilization of water capacity required by various land uses to numbers of service units.

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- (9) *New development* means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of the use of land; any of which has the effect of increasing the requirement for water capital improvements, measured by the number of service units to be generated by such activity, and that requires either the approval of a plat pursuant to the city's subdivision regulations, the issuance of a building permit, or connection to the city's water system and which has not been exempted from compliance with these regulations by provisions herein.
- (10) *Offset* means the amount of the reduction of a water impact fee, determined under this article or pursuant to administrative guidelines, that is equal to the value of a water facility or portion thereof included in the water capital improvements plan, that is constructed or financed by a property owner.
- (11) *Plat* means the plan or map for the subdivision to be filed for record with the county clerk in the county in which the property is located. Plat includes replat, but excludes development plat.
- (12) *Property owner* means the owner in fee of a tract or parcel of land upon which new development is to be located, or his authorized representative.
- (13) *Service unit* means a standardized measure of consumption of treated water system capacity which is equal to the average flow rate for a single-family dwelling unit in the Houston area.
- (14) *Water benefit area* means the area within the city and the city's extraterritorial jurisdiction within which water impact fees for water capital improvements will be collected for new development occurring within such area and within which fees so collected will be expended for those improvements identified in the water capital improvements plan applicable to the benefit area.
- (15) *Water capital improvement* means a water facility with a life expectancy of three or more years, to be owned or operated by or on behalf of the city.
- (16) *Water capital improvements plan* means the plan adopted by city council, as may be amended from time to time, that identifies the water facilities and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of water impact fees pursuant to this article.
- (17) *Water connection* means authorization to connect a new development to the city's treated water system.
- (18) *Water facility* means a facility designed or utilized for the purpose of producing, collecting, supplying, storing, pumping or conveying water, including an existing facility, the capacity of which has been expanded to service new development. "Water facility" includes land, easements or structures and all appurtenances associated with such facilities. "Water facility" excludes those water lines or mains or portions thereof that are constructed by property owners, the costs of which are reimbursed from charges paid by subsequent users of the facilities.
- (19) *Water impact fee* means a fee established by the city council for water facilities imposed on new development pursuant to this article in order to generate revenue to fund or recoup the costs of capital improvements necessitated by and attributable to such new development. Water impact fees do not include requirements for the dedication of rights-of-way or easements for such facilities, or for the construction of such improvements. Water impact fees also do not include payment of connection charges by persons receiving service from a water main, which charges are imposed to reimburse a property owner for the costs of extending such main.

(Ord. No. 90-676, § 1, 6-6-90; Ord. No. 93-514, § 128, 5-5-93; Ord. No. 02-399, § 93, 5-15-02)

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Sec. 47-384. Water impact fees, in general.

(a) Except as otherwise provided herein, each new development within the city's water benefit area shall pay a water impact fee for water facilities necessitated by and attributable to that development as provided in division 2 of this article. Water impact fees shall be assessed against and collected from new development on the basis of service units. The water benefit area is established by the city council and may be amended from time to time.

(b) The maximum water impact fee per service unit that is assessed against new developments is established as \$2,121.89 per service unit, and the water impact fee that shall be collected from new development is \$300.93 per service unit. On July 1 of each year beginning in 2006, the water impact fee shall be adjusted based on the percentage change (if any) in the designated index for the preceding calendar year, but shall never exceed the maximum water impact fee established herein. The director shall annually calculate the effective water impact fee and make it available in his office upon request for public inspection.

For purposes of this subsection, the term designated index shall mean the United States Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria, Texas Metropolitan Area (1982-1984=100), as published by the Bureau of Labor Statistics, U.S. Department of Labor. If such index is subject to adjustment later, then the city shall use the adjusted index, together with any correlation factor necessary to relate the later adjusted index to the earlier index, as published by the entity publishing the index, or if such publication is discontinued, the designated index shall then refer to comparable statistics on changes in the cost of living for urban consumers as the same may be computed and published by an agency of the United States or by a responsible financial periodical of recognized authority, which agency or periodical shall be selected by the city.

(c) This city council may amend water impact fees to be collected from new developments without amending the water capital improvements plan adopted herein, as long as the impact fees to

be collected do not exceed the maximum water impact fees per service unit that may be assessed for such facilities.

(Ord. No. 90-676, § 1, 6-6-90; Ord. No. 00-497, § 5, 6-14-00; Ord. No. 02-517, § 3, 6-26-02; Ord. No. 05-958, § 2, 8-24-05)

Editor's note—Ordinance No. 05-958, passed August 24, 2005, requires the annual adjustment of water impact fees as provided in Section 47-384. The adjusted water impact fee beginning July 1, 2006, is \$311.76 per service unit.

Sec. 47-385. Replacement of existing charges.

On and after June 20, 1990, the provisions of this article relating to the assessment and collection of water impact fees, replace and supersede those provisions for payment of connection charges for city-constructed water facilities which had been established pursuant to city ordinances referenced in section 47-42.

(Ord. No. 90-676, § 1, 6-6-90)

Sec. 47-386. Connection of existing development.

If any owner of existing development within the water benefit area requests to be connected to the city's water system, and the department agrees to extend a water main to serve the development, the property owner shall pay a fee equivalent to that prescribed by and computed according to section 47-393 prior to connection to such system; provided, however, that an existing development so connected is entitled to a credit against the fee equal to the charge for one service unit.

(Ord. No. 90-676, § 1, 6-6-90)

Secs. 47-387—47-390. Reserved.

**DIVISION 2. ASSESSMENT, COLLECTION
AND COMPUTATION OF WATER IMPACT
FEES**

Sec. 47-391. Assessment of fees.

Assessment of water impact fees against new development shall be based on the maximum water impact fee per service unit, established by the city council. The time of assessment depends

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upon the time the development was platted pursuant to the city's subdivision regulations. Assessment shall take place as follows:

- (1) For new developments that require platting prior to development and that have not received final plat recordation prior to June 20, 1990, assessment shall occur at the time of recordation of the final plat.
 - (2) For all other new development, assessment shall occur at the time of application for a building permit or at the time of water connection, whichever occurs first.
- (Ord. No. 90-676, § 1, 6-6-90)

Sec. 47-392. Time of fee collection.

Water impact fees shall be collected at the time of issuance of building permits. In the event that a building permit is not required prior to development, collection shall be at the time of water connection.

(Ord. No. 90-676, § 1, 6-6-90)

Sec. 47-393. Computation of fees.

The department shall compute the water impact fees in the following manner:

- (1) Except as otherwise provided in this section, the amount of the water impact fee due shall be determined by multiplying the number of service units generated by the new development by the water impact fee per service unit then in effect.
- (2) Development of low and moderate cost single family housing is exempt from payment of impact fees. In order to qualify for this exemption, the house must be a sin-

gle family residence located within city limits having an initial purchase price as certified by the property owner that does not exceed the latest available 12-month listing for median price single family housing in the city as published by the Real Estate Center at Texas A&M University. In the event the initial purchase price exceeds this amount, the property owner making the certification shall pay to the city the full amount of the impact fee as calculated under this section. If publication of the median price for single family housing is discontinued by the Real Estate Center at the Texas A & M University, the mayor is authorized to select another publication that lists the median price of single family houses in the city.

- (3) In the event that the new development involves the razing or removing of existing structures, the water capacity utilized by such use or structure shall be converted to service units using the land use equivalency table. If the water service required for the new development exceeds such reserved capacity, the service units equivalent to the previously utilized capacity shall be subtracted from the total number of service units attributable to the new development, and the amount of the water impact fee due shall be the number of additional service units multiplied by the water impact fee per service unit then in effect.
- (4) The amount of each water impact fee due shall be reduced by any allowable credits in the manner provided in section 47-394 of this Code.
- (5) The amount of each water impact fee due for a new development shall not exceed an amount computed by multiplying the maximum water impact fee per service unit in effect at the time the new development was assessed by the number of service units generated by the development.
- (6) If the property owner proposes to increase the number of service units for development following payment of the water im-

act fee, the additional water impact fees collected for such new service units shall be determined in the same manner as provided in this section.

(Ord. No. 90-676, § 1, 6-6-90; Ord. No. 90-717, § 1, 6-20-90; Ord. No. 97-442, § 3, 4-23-97)

Sec. 47-394. Determination of service units.

The number of service units attributable to a new development shall be determined by using the land use equivalency table established by the city council, which may be amended from time to time.

(Ord. No. 90-676, § 1, 6-6-90; Ord. No. 90-717, § 1, 6-20-90)

Sec. 47-395. Credits and/or offsets against water impact fees.

(a) A property owner who has paid a connection charge pursuant to city ordinances referenced in section 47-42 prior to June 20, 1990 for a city-constructed water facility, or who has paid an equivalent charge for a facility included in the water capital improvements plan to a district created under authority of article III, section 52, or article XVI, section 59 of the Texas Constitution, for which no reimbursement was received, may reduce the water impact fee due for the lot or tract for which the fee was paid by a like amount.

(b) A property owner who constructs or finances a water facility included in the water capital improvements plan pursuant to a development agreement approved by the city on or after June 20, 1990 may offset the value of such improvement against the water impact fee due from the development. The offset shall be associated with the plat of the property that is to be served by the water facility constructed or financed. The amount of the offset shall be determined pursuant to rules established in this section and administrative guidelines promulgated by the director. The city may also agree to offset the value of a water facility to be constructed or financed by the property owner, which has not been included in the water capital improvements plan, against water impact fees if it is reasonably anticipated that the facility shall be included within the next revision to such plan. In no event

shall the offset allowable under this subsection exceed the amount of the water impact fees due, and no property owner shall be entitled to reimbursement for such excess amount unless the city otherwise agrees.

(c) The development agreement required by subsection (b) may provide for participation by the city in the costs of oversizing the water facility to be constructed or financed by the property owner, or may provide for reimbursement according to the terms of the agreement. The amount of any offset shall be reduced by the amount of the city's participation, or provision for reimbursement.

(d) A credit or offset associated with a plat shall be applied against a water impact fee due at the time that the first fee for the new development is collected, and thereafter to all subsequently collected fees, until the credit or offset is exhausted.

(Ord. No. 90-676, § 1, 6-6-90; Ord. No. 90-717, § 1, 6-20-90)

Secs. 47-396—47-400. Reserved.

DIVISION 3. ADMINISTRATION

Sec. 47-401. Accounting.

(a) All water impact fees collected within the water benefit area shall be deposited in a dedicated fund to which interest is allocated. All such amounts, together with all interest earned thereon, shall be used solely for the purposes set forth in subsection (b).

(b) The water impact fees collected pursuant to this article shall be used to finance or recoup the costs of any capital improvements identified in the water capital improvements plan for the water benefit area, including but not limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees) and fees paid to an independent qualified engineer or financial consultant preparing or updating the water capital improvements plan. Water impact fees may also be used to pay the principal sum and interest

and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements.

(c) Disbursement of funds shall be authorized by the department at such times as are reasonably necessary to carry out the purposes intended by this article; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed then ten years from the date water impact fees are deposited in the fund.

(d) An owner of property for which a water impact fee has been paid is entitled to a refund for all or a portion of the fee in the following circumstances:

(1) Upon application, any water impact fee or portion thereof collected pursuant to this article, that has not been expended within the water benefit area within ten years from the date of payment, shall be refunded to the record owner of the property for which the water impact fee was paid together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in article 5069-1.03, of the Texas Revised Civil Statutes Annotated, or its successor statute. A water impact fee shall be considered expended on a first-in, first-out basis. A water impact fee shall also be considered expended if the total expenditure for water facilities included in the water capital improvements plan, as may be amended from time to time, within the water benefit area within ten years following the date of payment, exceeds the water impact fees collected within the benefit area during such period.

(2) If a refund is due pursuant to paragraph (1), the department shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units for which water impact fees have been paid within the benefit area for the period to determine the refund due per service unit. The refund to the owner shall be calculated by:

a. Multiplying the refund due per service unit by the number of service units of the development for which the fee was paid; and

- b. Determining interest due based on the amount calculated under subsection (d)(2)a.
- (3) Upon completion of all the water facilities identified in the water capital improvements plan for the water benefit area, the department shall recalculate the maximum water impact fee per service unit using the actual costs for the water facilities. If the maximum water impact fee per service unit based upon actual cost is less than the water impact fee per service unit paid, the city shall refund the difference if such difference exceeds the water impact fee paid by more than ten percent. If the difference is less than ten percent, no refund shall be due. Refund to the record owner shall be calculated by:
 - a. Multiplying such difference by the number of service units of the development for which the water impact fee was paid; and
 - b. Determining interest due based on the amount calculated under subsection (d)(3)a.
- (e) The department shall establish adequate financial and accounting controls to ensure that water impact fees disbursed from the fund are utilized solely for the purposes authorized. The department shall maintain and keep financial records for water impact fees, that shall show the source and disbursement of all fees collected in or expended within the water benefit area. The records of the fund into which water impact fees are deposited shall be open for public inspection and copying during ordinary business hours.
- (f) Nothing in this article shall prevent the city from paying all or part of the water impact fees due for a new development pursuant to criteria adopted by the city council.
(Ord. No. 90-676, § 1, 6-6-90)

Sec. 47-402. Impact fee appeals.

- (a) The property owner or applicant for a new development may appeal the following administrative decisions to an administrative hearing official appointed by the director:
 - (1) The applicability of a water impact fee to the development;

- (2) The amount of the water impact fee due;
- (3) Classification of the development under the land use equivalency table;
- (4) The applicability of the credit or an offset to the development;
- (5) The amount of a credit or of an offset; or
- (6) The amount of a refund due, if any.

(b) The burden of proof shall be upon the applicant to demonstrate that the administrative decision was not made in accordance with this article or applicable state law.

(c) The applicant shall file a written notice of appeal with the director within 30 days following the date of the decision from which an appeal is made. If the notice of appeal is accompanied by a payment or other sufficient security satisfactory to the department in an amount equal to the original determination of the water impact fee due, the development application may be processed while the appeal is pending. Each appeal must include a processing fee equal to \$200.00.
(Ord. No. 90-676, § 1, 6-6-90)

Sec. 47-403. Relief procedures.

(a) Any person who has paid a water impact fee, or an owner of land for which a water impact fee has been paid, may petition the city council to determine whether any duty required by this article or by chapter 395 of the Texas Local Government Code has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duties and request that the duties be performed within 60 days of the request. If the city council determines that the duty is required pursuant to this article and is late in being performed, it shall cause the duty to commence within 60 days of the date of the request and to continue until completion. This subsection shall not apply to matters subject to appeal pursuant to section 47-402.

(b) The city council may grant a variance from any requirement of this article, upon written request by the property owner subject to the article, following a public hearing, and only upon

finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

(c) If the city council grants a variance to the amount of the water impact fee due for a new development under this section, it shall cause to be appropriated from other city funds the amount of the reduction in the water impact fee to the fund for the water benefit area in which the property is located.

(Ord. No. 90-676, § 1, 6-6-90)

Secs. 47-404—47-410. Reserved.

ARTICLE XI. TRANSPORTATION AND TREATMENT OF CERTAIN WASTES

DIVISION 1. GENERALLY

Sec. 47-411. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biological pretreatment service means the application of any additive or enzyme or the use of any other biological means to digest waste in a grit trap/lint trap or grease trap that discharges into a public sewer system within the city.

Biological pretreatment service permit means a current and valid permit issued pursuant to this article authorizing the performance of biological pretreatment service.

City official means the director of the department of health and human services or the director of the department of public works and engineering or their designees.

Class A site operator means a person having ownership or control of a site where Class A waste is generated.

Class A waste means wastes and wastewater removed from domestic septic tanks used by single or multiple residential units, schools, hotels/motels, restaurants, and similar establishments that primarily generate waste of a

type associated with domestic/residential uses. Class A waste does not include waste removed from a septic tank that receives non-domestic types of commercial wastewater or receives industrial wastewater, nor does the term include grease removed from a grease trap or grit trap/lint trap waste.

Class B waste means grease trap waste, sewage sludge, and portable toilet waste.

Class C waste means any materials collected in a septic tank, a grit trap, a lint trap or any similar device, which materials result from or are incidental to any process of industry, manufacturing, or commercial operations, including such operations as car/truck washes, environmental testing facilities and laundries. However, this term shall not include domestic septic tank waste.

Container means any portable device in which material is stored, transported, processed, disposed of or otherwise handled.

Department or HDHHS means the city's department of health and human services.

Disposal means the act of disposing.

Disposal site means a state-permitted or state-registered fixed facility to which waste is delivered for disposal.

Dispose means discharge, deposit, release, inject, dump, spill, leak or place any waste (whether or not contained) into or on any land or water so that the waste or any constituent thereof may enter the environment, including release into the air or discharge into any waters, including groundwater, sanitary or storm sewer systems.

Disposer means a person who operates a disposal site.

Drying bed means a structure intended for the drying of grit trap waste.

EPA means the United States Environmental Protection Agency.

Generator means any person whose activities or processes generate Class B or C waste within the city or who stores Class B or C waste within the city.

Generator registration certificate means a registration certificate issued pursuant to division 2 of this article.

Generator registration number means the unique, site specific identification number issued by the city or state as shown on a generator registration certificate or other city or state documents.

Grease trap waste means waste accumulated in an interceptor in the sewer system at a hotel, restaurant, commercial food preparation establishment or any operation requiring a city food dealer's permit.

Grit trap/lint trap waste means waste collected in an interceptor at any maintenance and repair shop, automobile service station, car wash, laundry, beauty salon or other similar establishment.

Incompatible wastes means wastes that have different processing, storage or disposal requirements, or wastes that if mixed may cause a dangerous chemical or physical reaction.

Interceptor means a tank or trough made of impermeable material placed for the purpose of retaining oil, grease, grit, sand, lint, hair, food particles or other similar materials that would otherwise enter a sanitary or storm sewer system.

Manifest means a form issued by the health officer to document the collection, transfer and disposal of Class B or C waste.

Permit year means a permit period which runs from the 1st of February through the 31st of January of the following year.

Registered vehicle means a vehicle that is in compliance with all the requirements of division 4 of this article.

Septic tank control ticket means a form issued by the health officer to document the collection, transfer and disposal of Class A waste.

Sewage sludge means the residual material generated from the treatment of wastewater by a sewage treatment plant.

Site means a contiguous tract or parcel of land under common ownership.

Spill means the loss or unauthorized discharge of waste.

Temporary transporter permit means a one month permit issued pursuant to division 3 of this article.

Transporter (primary or secondary) means a person who accepts waste that originates from a location within the city and who uses public rights-of-way for transportation of the waste. A generator or disposer who transfers its own waste over city streets for off-site disposal is also a transporter.

Transporter's manager means the individual having the primary responsibility for compliance with this article as identified on the transporter permit application form.

Transporter permit means a permit other than a temporary transporter permit issued pursuant to division 3 of this article.

Vehicle registration certificate means a certificate issued pursuant to division 4 of this article.

Waste means Class A waste, Class B waste, Class C waste or any mixture of those wastes.

Waste load means the volume of waste that is transported from any specific site.
(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 04-1089, § 2, 10-20-04)

Sec. 47-412. Scope; defenses.

(a) The purpose of this article is to protect the public sanitary sewer system from unauthorized waste releases and to deter the discharge of waste into storm sewers, street rights-of-way and other unauthorized places. It is not the intent of this article to address transportation of hazardous material in commerce or to regulate hazardous wastes that are subject to federal manifest requirements. Furthermore, it is not the intent of this article to regulate the transportation of sewage sludge that is being handled or transported for the purpose of processing the waste into fertilizer or other commercially useful products, rather than for the purpose of disposal.

(b) It is a defense to prosecution under this article that:

- (1) The act or action complained of was the subject of regulation by the United States Secretary of Transportation under Chapter 51 of Title 49 of the United States Code; or
- (2) The act or action complained of related to the generation, transportation or disposal of waste that was subject to federal manifest requirements.

(c) With respect to sewage sludge, it is an affirmative defense to prosecution under this article that the sewage sludge meets the requirements of state regulations for land application for beneficial use.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-413. Mixing of wastes prohibited.

No person shall mix incompatible wastes in the same container. It is a defense to prosecution under this section that a transporter mixed wastes as authorized in section 47-544 of this Code.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-414. Penalty.

Whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine of not less than \$250.00 nor more than \$2,000.00. Each day that any violation continues shall constitute and be punishable as a separate offense. Any offense under this article that also constitutes a violation of any state penal law shall be punishable as provided in the applicable state law.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-415. Legal actions.

Consistent with applicable provisions of state and federal laws and regulations, the city attorney is hereby authorized to file and maintain civil legal actions to:

- (1) Enjoin any violations of this article; and

- (2) Enforce the state solid waste laws relating to matters addressed by this article.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-416. Responsibilities of agents and employees.

The responsibilities created under this article for Class A site operators, biological pretreatment service providers, disposers, generators and transporters shall extend to the owners and other persons having possession and control of the site, facilities or equipment as well as to their officers, agents and employees having responsibilities for their operations.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-417. Hearings.

Applicants for permits or registrations under this article who are denied original or renewal permits or registrations or who are subject to revocation or suspension proceedings shall be afforded a right to a hearing. The hearings shall be conducted by a person designated by the director of the department in accordance with regulations issued for that purpose by the director. The regulations shall be submitted to the city attorney for approval prior to promulgation. If any of the grounds relate to section 1-10 of this Code, then a hearing shall be conducted under section 1-9 of this Code regarding those grounds.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-418—47-420. Reserved.

DIVISION 2. REGISTRATION OF GENERATORS

Sec. 47-421. Certificate required.

(a) It shall be unlawful for any person to act as a generator at any site for which a current and valid generator registration certificate has not been issued under this division.

(b) It is an affirmative defense to prosecution under this section that the waste generated at the site contains no Class B or C waste other than portable toilet waste.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-422. Application.

In order to obtain a generator registration certificate, a generator shall make application in a written form as specified by the health officer. The application shall include, without limitation, a certification of the holding capacity of each interceptor on the site and evidence of the state sewage treatment plant permit or other state issued waste generator identification held by the applicant for the site, if any. A separate application is required for each site or, in the case of multiple interceptors, for each interceptor. (Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-423. Issuance; acceptance.

(a) Following receipt of a properly completed application, the health officer shall issue a generator registration certificate to the applicant for the site designated on the application. If the applicant holds a state sewage treatment plant permit or other state issued waste generator identification for the site, then the city's generator registration number shall be the same as the state's number.

(b) Following receipt, the applicant shall review the generator registration certificate for accuracy and sign the certificate if it is correct. If the certificate contains any inaccuracies, the applicant shall notify the department and return the certificate for correction. The certificate shall be valid only when signed by the generator. (Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-424. Term; cancellation.

(a) Subject to continuing compliance with applicable provisions of this article, a generator registration certificate shall be of perpetual duration.

(b) Following notice of the grounds and an opportunity for a hearing, the health officer may cancel a generator registration certificate, provided, however, a registration shall not be canceled for a state permitted sewage treatment plant or other state issued waste generator identification.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-425. Amendment.

A generator registration certificate holder shall have a continuing duty to request amendment of its certificate whenever there is a change in any item for which a representation or response was made in its generator registration certificate application. The generator registration certificate holder shall submit the amendment in writing within 15 days following the occurrence of the event making the amendment necessary. (Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-426. Fees; lost certificates.

There shall be no fee for the filing of an original application or amendment application under this division or for the issuance of an original generator registration certificate or an amendment thereto. However, a fee of \$25.00 shall be imposed for reissuance of a lost or missing generator registration certificate.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-427. Assignment or transfer prohibited.

A generator registration certificate is personal to the holder to whom it is issued and is valid only for the site specified thereon. Any attempt to assign or transfer a generator registration certificate to another person or site shall render it void. (Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-428. Posting required.

Each generator shall cause its generator registration certificate to be conspicuously posted at the site to which it pertains. Upon request of a transporter or the health officer, the generator shall specify the location at which the generator registration certificate is posted and shall make the certificate available for verification and inspection.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-429—47-430. Reserved.

DIVISION 3. PERMITTING OF TRANSPORTERS*

Sec. 47-431. Permit required.

It shall be unlawful for any person to act as a transporter unless the person holds a current and valid transporter permit or temporary transporter permit or is acting as the agent or employee of a person who holds a current and valid transporter permit or temporary transporter permit.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-432. Types of waste covered.

Each transporter permit or temporary transporter permit shall specify the type or types of waste for which it is applicable. A transporter permit or temporary transporter permit is valid only for the classification or classifications of waste specified thereon.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-433. Application.

The health officer shall promulgate forms for original and renewal transporter permit or temporary transporter permit applications, which shall request the following information:

- (1) Name, street address, mailing address and telephone number of the applicant. The "applicant" shall be deemed to include the proprietorship, each partner if a partnership and each officer, director or holder of ten percent or more of the outstanding shares if a corporation.
- (2) Name, street address and mailing address of the applicant's manager.
- (3) A photocopy of the driver's license of each person, including the applicant's transporter manager, who will be authorized to operate any of the applicant's vehicles for the transportation of wastes under the permit.

*Editor's note—Ord. No. 04-1089, § 3, amended Ch. 47, Art. XI, Div. 3, in its entirety to read as herein set out. Formerly, said division pertained to similar subject matter and derived from Ord. No. 97-196, § 4, 2-19-97.

- (4) The nature and classification of any waste that originates within the city that the applicant intends to transport.
- (5) For each motor vehicle and motor vehicle trailer that the applicant desires to register under division 4 of this article, the following information:
 - a. The make, model and year of manufacture.
 - b. The current state vehicle license plate number.
 - c. The vehicle identification number.
 - d. The vehicle's waste hauling capacity certification.
 - e. A photocopy of the vehicle's registration papers.
- (6) Whether the applicant or the applicant's manager or any vehicle driver has been convicted of any violation for which a transporter permit or temporary transporter permit is subject to denial, refusal to renew, or revocation under section 1-10 of this Code.
- (7) The address of the physical location where each vehicle will be parked or garaged when not in use, if different from the addresses identified in items (1) and (2).
- (8) Evidence of financial responsibility for each vehicle and trailer in amounts of not less than the minimum required by the state financial responsibility law. If the proof of financial responsibility is in the form of an insurance policy, then the insurance policy must contain an endorsement requiring 30 days' advance written notice of cancellation to the health officer.
- (9) Texas Commission on Environmental Quality transportation registration number.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-434. Fee.

A nonrefundable permit application review fee of \$90.00 shall be submitted with each original and renewal application for a transporter permit. A nonrefundable permit application fee of \$30.00 shall be submitted with each original and renewal

application for a temporary transporter permit. The fee shall be payable in such form as the health officer specifies. There shall be no application review fee payable for the filing of an application for an amendment.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-435. Review.

(a) Unless a hearing is required under section 1-9 of this Code, the health officer shall either grant or deny the permit within five days following the receipt of a completed application for a temporary transporter permit or within 30 days following the receipt of a completed application for a transporter permit. If the transporter permit or temporary transporter permit is denied, written notice of the reasons shall be provided to applicant, and the applicant shall be afforded an opportunity for a hearing. The health officer shall grant the transporter permit or temporary transporter permit unless one or more of the following applies:

- (1) The applicant provided incomplete or inaccurate information in the application.
- (2) The applicant did not file any required bond or pay any required fee.
- (3) A transporter permit or temporary transporter permit held by the applicant is currently under suspension.
- (4) A transporter permit or temporary transporter permit held by the applicant has been revoked or refused for renewal for cause within one calendar year of the date of filing of an application form.
- (5) The applicant failed to submit any required information or documents regarding any vehicle to be registered under the permit.
- (6) The applicant failed to submit proof that it holds any required state registration, license or permit for the services to be provided.

(b) If it appears that the applicant, the applicant's manager, or any vehicle driver has been convicted of any violation for which a transporter permit or temporary transporter permit is

subject to denial, refusal to renew, or revocation under section 1-10 of this Code, then the permit application may also be denied on that grounds, provided that the applicant shall be given notice and an opportunity for a hearing under section 1-9 of this Code.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-436. Permit bond.

The applicant shall submit a City of Houston waste transportation permit bond to the department prior to the being issued a transporter permit or temporary transporter permit. The amount of the bond required shall be determined by the highest waste classification of the transporter permit or temporary transporter permit:

<i>PERMIT</i>	<i>AMOUNT</i>
Class A	\$10,000.00 per spill occurrence
Class B	20,000.00 per spill occurrence
Class C	30,000.00 per spill occurrence

For a transporter permit, the aggregate penal amount of the bond shall not be less than five times the applicable per occurrence amount specified above. For a temporary transporter permit, the aggregate penal amount of the bond shall not be less than one times the applicable per occurrence amount, as specified above. The bond shall be issued by the applicant as principal and a corporate surety authorized to transact business in Texas as surety upon the penal condition that the principal and surety will reimburse the city for the cleanup costs of any spill that may arise as a result of operations conducted under the permit within 30 days following demand. The bond shall expressly waive any requirement of notice to the principal or surety prior to the commencement of cleanup operations or the incurring of costs therefor. The bond shall be in a form approved by the city attorney. The bond shall be in effect at all times during the transporter permit or temporary transporter permit term and shall not be subject to cancellation.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-437. Term; renewal.

A transporter permit shall expire on January 31 of the year following the calendar year during which it was issued. A temporary transporter permit shall expire on the date specified on the registration certificate. A transporter may not be issued more than three one-month permits during any permit year.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-438. Assignment or transfer prohibited.

(a) A transporter permit or temporary transporter permit is personal and is valid only for the transporter named on the permit. Any attempt to assign or transfer a transporter permit or temporary transporter permit to another person shall render it void.

(b) Each transporter permit or temporary transporter permit shall specify the names of the transporter's manager and each vehicle driver authorized thereunder. The permit shall not authorize any person not designated as the transporter's manager thereon to act as the transporter's manager, nor shall it authorize any person not designated as a driver thereon to operate any vehicle for the transportation of waste under the permit.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-439. Amendment.

(a) A transporter shall have a continuing duty to amend its permit application whenever there is a change in an item for which a representation or response was made in its permit application. The holder of a transporter permit or temporary transporter permit shall submit the amendment in writing within 15 days following the occurrence of the event making the amendment necessary. Failure to timely submit an application for an amendment shall cause the transporter permit or temporary transporter permit to become void. Applications for permit amendments shall be processed and amended permits shall be issued subject to the same criteria as original applications.

(b) The 15-day period allowed in subsection (a) for the filing of an application for a permit amendment shall not apply to the addition of drivers or vehicles or to the changing of the transporter's manager. A person may not act as the transporter's manager or operate a vehicle for the transportation of waste under the transporter permit or temporary transporter permit unless and until so designated on such permit or an amendment thereto. Nor may a vehicle not designated on the transporter permit or temporary transporter permit be utilized under such permit unless and until so designated on such permit or an amendment thereto.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-440. Revocation or suspension.

(a) The health officer may revoke or suspend a transporter permit or temporary transporter permit following written notice and an opportunity for a hearing, if one or more of the following apply:

- (1) The applicant provided incomplete or inaccurate information in the application;
- (2) The permit was issued in error;
- (3) The transporter or the transporter's manager or any of the transporter's drivers has been convicted of any offense or offenses that constitute grounds for denial, refusal to renew or revocation under section 1-10 of this Code;
- (4) The transporter has failed to timely pay a bill for disposal or clean-up services rendered by or for the city under this article or a claim against the transporter's bond has been dishonored;
- (5) The transporter or the transporter's manager or any of the transporter's drivers has committed any violation of this article or of any city, state or federal law or regulation that applies to the rendition of services hereunder;
- (6) The transporter has failed to maintain evidence of financial responsibility required hereunder and provide the required proof to the health officer; or
- (7) The transporter or its manager or any of its drivers has failed to timely, completely

and accurately provide any notice, report or other document that is required to be filed with the city under this article.

(b) The health officer shall consider the seriousness of the matter involved, whether the violation was intentional, whether effective measures have been taken to prevent recurrence of the violation and the likelihood of repeated violations of this article or any solid waste, hazardous waste, or water quality law by the transporter, the transporter's manager and/or the transporter's drivers when deciding whether to suspend or revoke a transporter permit or temporary transporter permit; however, revocation shall be mandatory and continue until the end of the permit term whenever the transporter permit or temporary transporter permit has already been suspended once during the transporter permit or temporary transporter permit term.

(c) Within seven days following the effective date of any revocation of a transporter permit or temporary transporter permit as authorized under this section, the transporter shall surrender all of its manifests and registration forms to the health officer. A holder of a transporter permit shall also produce its registered vehicles at a location designated by the health officer and allow the health officer to remove the registration decals, and a holder of a temporary transporter permit shall surrender all registration certificates to the health officer. Additionally, the transporter shall provide the health officer with an accounting of all manifests and septic tank control tickets in its possession.

(Ord. No. 04-1089, § 3, 10-20-04)

Secs. 47-441—47-450. Reserved.

**DIVISION 4. TRANSPORTER VEHICLE
REGISTRATION***

Sec. 47-451. Registration required.

It shall be unlawful for any person to utilize a motor vehicle or motor vehicle trailer for the

*Editor's note—Ord. No. 04-1089, § 3, amended Ch. 47, Art. XI, Div. 4, in its entirety to read as herein set out. Formerly, said division pertained to similar subject matter and derived from Ord. No. 97-196, § 4, 2-19-97.

transportation of waste originating within the city unless the driver of the vehicle has been designated on a current and valid transporter permit or temporary transporter permit and the vehicle or trailer has been designated on that permit.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-452. Decals and certificates.

(a) It shall be unlawful for any person to utilize a motor vehicle or motor vehicle trailer for the transportation of waste originating within the city unless the vehicle or trailer has a registration decal affixed as provided in this division or a vehicle registration certificate issued as provided in this division.

(b) The health officer shall place a registration decal on each registered vehicle operated by a holder of a transporter permit. In the case of tractor-trailer combinations, either component may be the registered vehicle for registration decal placement. The design and form of the registration decal shall be as promulgated by the health officer and shall include, without limitation, the waste classifications authorized to be transported by the vehicle or trailer and the date of expiration, which shall be coterminous with the transporter permit expiration.

(c) The health officer shall issue a registration certificate for each registered vehicle operated by a holder of a temporary transporter permit.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-453. Conditions for issuance.

(a) The health officer shall issue registration decals for a given vehicle only if each of the following conditions exists:

- (1) The transporter holds a current and valid transporter permit and the information contained on the vehicle's registration or title corresponds to the information given on the transporter's permit application or an amendment thereto.
- (2) The transporter has paid the applicable vehicle registration fee. Vehicle registration fees shall not be refundable and cannot be prorated. The vehicle registration

fees are as follows:

PERMIT	FEE
Class A	\$300.00 per vehicle
Class B	300.00 per vehicle
Class C	400.00 per vehicle

There shall be no additional fee for use of a Class B vehicle to transport Class A waste or for use of a Class C vehicle to transport Class A or B waste.

- (3) The transporter makes the vehicle available to the health officer for verification of vehicle identification and placement of registration decals.
 - (4) The transporter is identified by placing the transporter's name or logo and telephone numbers on each side of either the tractor, trailer, or tank in letters that are at least three inches high having a brush stroke width of at least $\frac{3}{8}$ -inch. The information shall be affixed by painting, attaching a decal or using other permanent means.
 - (5) The vehicle has a current state inspection sticker.
 - (6) The vehicle has a current state license registration.
 - (7) The vehicle is equipped with discharge valve markings as required by applicable state regulations.
 - (8) The vehicle is equipped with site gauges or alternative measurement devices that comply with state requirements.
- (b) The health officer shall issue registration certificates for a given vehicle only if each of the following conditions exists:
- (1) The transporter holds a current and valid temporary transporter permit and the information contained on the vehicle's registration or title corresponds to the information given on the transporter's permit application or an amendment thereto.
 - (2) The transporter has paid the applicable vehicle registration fee. Vehicle registration fees shall not be refundable and cannot be prorated. The vehicle registration

fees are as follows:

PERMIT	FEE
Class A	\$25.00 per vehicle
Class B	25.00 per vehicle
Class C	35.00 per vehicle

There shall be no additional fee for use of a Class B vehicle to transport Class A waste or for use of a Class C vehicle to transport Class A or B waste.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-454. Placement; visibility.

(a) The health officer shall determine the number of registration decals to be attached and their location on each vehicle based upon the configuration of the vehicle.

(b) It shall be the duty of the transporter permit holder and the driver of the vehicle to ensure that each registration decal is kept free of mud, dirt or any other obscuring material.

(c) It shall be the duty of the temporary transporter permit holder and the driver of the vehicle to ensure that each vehicle registration certificate is maintained in the vehicle while the vehicle is being operated under the permit. The driver of the vehicle shall display the registration certificate issued for the vehicle upon the demand of a health officer or peace officer.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-455. Change of waste classification.

(a) In the event a transporter desires to utilize a vehicle for transportation of a waste other than the waste classification authorized for that vehicle, the transporter shall surrender the existing registration decals to the health officer for reissuance of appropriate decals and shall make application for amendment of its permit with respect to the designated use of that vehicle. Prior to being issued the replacement registration decal, the transporter permit holder shall pay any additional fee in accordance with fees prescribed in item (2) of section 47-453 of this Code.

(b) If a vehicle classification is to be reduced to Class A, the transporter shall assure the health officer that the vehicle tank has been cleaned of

all waste. To enforce compliance with this provision, the health officer may demand a copy of the transporter's wash-out ticket and may conduct a physical inspection of the vehicle's tank.
(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-456. Replacement; transfer.

(a) It shall be unlawful to remove any registration decal from a vehicle and place it on another vehicle. A registration decal shall automatically become void if it is attached to a vehicle other than the specific vehicle for which it was provided by the health officer.

(b) In the event a transporter desires replacement registration decals (as may be necessary if the vehicle is painted or repaired) or wishes to transfer waste decals to a replacement vehicle, the transporter shall surrender all registration decals for the vehicle and shall pay a \$25.00 registration decal replacement charge per vehicle. No registration decal shall be provided for a replacement vehicle until the transporter permit has been amended to include that vehicle. No replacement registration decal shall be provided unless the transporter surrenders the decals to be replaced or provides conclusive evidence that they have been destroyed. If the decals are not surrendered and the required proof is not provided, then the full vehicle registration fee applicable under this division shall be payable.
(Ord. No. 04-1089, § 3, 10-20-04)

Secs. 47-457—47-460. Reserved.

DIVISION 5. DISPOSAL OF WASTE AT CITY FACILITIES

Sec. 47-461. Discharge at city sewage treatment facilities.

(a) A transporter permit holder shall be permitted to discharge waste loads consisting only of Class A waste at designated city sewage treatment facilities under terms established by the utility official.

(b) The utility official shall designate those city sewage treatment facilities at which Class A waste will be accepted for discharge. Notice of the

designated plants and their hours of operation shall be given to interested transporter permit holders by the utility official.

(c) A transporter permit holder discharging Class A waste at designated city sewage treatment facilities shall pay to the city the discharge fee designated in accordance with section 47-465 of this Code.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-462. Grab samples.

Upon request, the transporter shall submit to the requesting city official a sample of the waste being discharged into the city sewage treatment facility.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-463. Prohibited discharges.

(a) It shall be unlawful for any person to discharge:

- (1) Class A waste at any city facility other than a city sewage treatment facility designated for the discharge by the utility official;
- (2) Any waste other than Class A waste at a city sewage treatment facility;
- (3) Any waste that is prohibited under the provisions of article V of chapter 47 of this Code into the city sanitary sewer system;
- (4) Class A waste from a vehicle that does not display registration decals authorizing transportation of Class A waste; or
- (5) Class A waste without the properly completed septic tank control tickets required by this article.

(b) It is a defense to prosecution under this section that the applicant is discharging portable toilet waste at a city sewage treatment facility during a period of public health emergency in full compliance with section 47-464 of this Code.

(Ord. No. 97-196, § 4, 2-19-97)

**Sec. 47-464. Emergency disposal of portable
toilet waste at city facilities.**

(a) Upon the health officer's findings that conditions of force majeure exist, that there exist

insufficient permitted disposal facilities within the area contiguous to the city for the disposal of portable toilet wastes and that a public health emergency exists or may exist, the utility official is authorized to declare a public health emergency and allow transporters to discharge portable toilet wastes into designated city sewage treatment facilities in accordance with the provisions of this division. To initiate emergency disposals, the health officer must file a declaration of public health emergency with the city secretary. The health officer shall specify the conditions or circumstances that cause or threaten to cause the public health emergency. A declaration of public health emergency shall end when the health officer files with the city secretary a written declaration finding that the conditions requiring the original certification of a public health emergency no longer exist.

(b) Transporters allowed to discharge portable toilet waste into designated city sewage treatment facilities shall:

- (1) Discharge portable toilet wastes only;
- (2) Discharge only from vehicles displaying registration decals authorizing transportation of Class B waste; and
- (3) Comply with all other applicable provision of this article and environmental laws.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-465. Discharge fees.

The utility official is hereby authorized to establish discharge fees for the discharge of waste at a city sewage treatment facility in accordance with sections 47-461 and 47-464 of this Code. The utility official is authorized to establish the method of payment for the discharge fee, as well as any additional regulations and procedures for the documentation of waste transfer and the orderly collection of fees required by this section. Without limitation, the regulations and procedures may provide for immediate suspension of discharge privileges following notice to any transporter who is delinquent in payment of fees or has otherwise violated city regulations in the discharge of waste

at city sewage treatment facilities. Upon request, a suspended transporter shall be given a prompt hearing by the utility official or his designee.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-466—47-470. Reserved.

DIVISION 6. BIOLOGICAL PRETREATMENT

Sec. 47-471. Permit required.

(a) It shall be unlawful to perform any biological pretreatment service except pursuant to a current and valid permit issued pursuant to this division.

(b) It shall be unlawful for any person whose name is not listed on a permit as provided in section 47-473(d) of this Code and acting on behalf of that permit holder to perform any biological pretreatment service function.

(c) It shall be unlawful for a generator or Class A site operator to suffer or permit the performance of any biological pretreatment service on any site under his possession or control by any person who does not hold a current and valid permit issued under this division.

(d) It is a defense to prosecution under this section that the actor is the owner or operator of the site where the grit trap/lint trap or grease trap is situated, or his employee or agent, and that the biological pretreatment service is being performed under the direction of a biological pretreatment service permit holder, provided that all notices and reports provided for under section 47-478 of this Code have been timely filed. It is also a defense to prosecution under this section that the site is used exclusively for residential purposes.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-472. Application; fees.

(a) The health officer shall promulgate forms for original and renewal biological pretreatment service permit applications, which shall request the following information:

- (1) Name, street address, mailing address and telephone number of the applicant. The "applicant" shall be deemed to in-

clude the proprietorship, each partner if a partnership and each officer, director or holder of ten percent or more of the outstanding shares if a corporation.

- (2) A copy of the material safety data sheet for each product that will be utilized to render the biological pretreatment service.
- (3) A photocopy of the driver's license or Texas personal identification card of each person who will be authorized to perform biological pretreatment service functions on behalf of the applicant.
- (4) Whether the applicant or any employee designated under item (3) of this subsection has been convicted of any violation for which a biological pretreatment service permit is subject to denial, refusal to renew or revocation under section 1-10 of this Code.
- (5) Evidence of a comprehensive general liability insurance policy as required in section 47-475 of this Code.

(b) A non-refundable permit fee of \$200.00 shall be submitted with each original and renewal application.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 02-528, § 13h., 6-19-02)

Sec. 47-473. Issuance; transfer; assignment.

(a) The health officer shall either grant or deny the biological pretreatment service permit within 30 days following the receipt of a completed application, unless a hearing is required under section 1-9 of this Code. If the biological pretreatment service permit is denied, written notice of the reasons shall be provided to applicant, and the applicant shall be afforded an opportunity for a hearing. The health officer shall grant the biological pretreatment service permit unless one or more of the following applies:

- (1) The applicant provided incomplete or inaccurate information in the application.
- (2) The applicant did not pay the required application processing fee.

- (3) A biological pretreatment service permit held by the applicant is currently under suspension.
- (4) A biological pretreatment service permit held by the applicant has been revoked or refused for renewal for cause within one calendar year from the date of filing of the application form.
- (5) The applicant failed to provide proof of the liability insurance coverage required in section 47-475 of this Code. If it appears that the applicant or any employee designated under item (3) of section 47-472(a) has been convicted of any violation for which a biological pretreatment service permit is subject to denial, refusal to renew, or revocation under section 1-10 of this Code, then the permit application may also be denied on that grounds, provided that the applicant shall be given notice and an opportunity for a hearing under section 1-9 of this Code.

(b) *Reserved.*

(c) A biological pretreatment service permit is personal and is valid only for sites for which notice has been given as provided in section 47-478(a) of this Code. Any attempt to assign or transfer a biological pretreatment service permit to another person shall render it void.

(d) Each biological pretreatment service permit shall list the names of the persons authorized to perform biological pretreatment service functions under the permit. The permit shall not be valid for the performance of biological pretreatment service functions by any person not listed thereon.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 02-528, § 13i., 6-19-02)

Sec. 47-474. Term.

A biological pretreatment service permit shall expire on January 31 of the year following the calendar year during which it was issued.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-475. Liability insurance.

A biological pretreatment service permit holder shall at all times keep a policy of comprehensive general liability insurance in full force and effect. The policy shall insure the public against any loss or damage to any person or property resulting from the conduct of the biological pretreatment service. The policy shall provide a minimum coverage of \$250,000.00 per occurrence, with \$500,000.00 aggregate. The policy must be written by a carrier that holds a current and valid certificate of authority from the state of Texas for the type of policy issued. Additionally, each policy must contain an endorsement requiring 30 days' advance written notice of termination or cancellation to the health officer. Failure to maintain proof of the required with the health officer shall cause the permit to become void.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-476. Amendment.

(a) A biological pretreatment service permit holder shall have a continuing duty to amend its permit application whenever there is a change in any item for which a representation or response was made in its permit application. The biological pretreatment service permit holder shall submit the amendment in writing within 15 days following the occurrence of the event making the amendment necessary. Failure to timely submit an application for an amendment shall cause the permit to become void. Applications for permit amendments shall be processed and amended permits shall be issued subject to the same criteria as original applications.

(b) The 15-day period allowed in subsection (a) for the filing of an application for a permit amendment shall not apply to the addition of persons authorized to perform biological pretreatment service functions under the permit. A person may not perform biological pretreatment service functions under the permit unless and until so listed on the permit or an amendment thereto.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-477. Revocation; suspension.

A biological pretreatment service permit may be revoked or suspended in the same manner and for the same reasons as for a permit issued to a transporter under this article.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-478. Reports.

(a) Prior to the commencement of service at any site, a biological pretreatment service permit holder shall provide written notice to the health officer in a form prescribed by the health officer. Any such notice shall remain in effect until withdrawn in writing by the biological pretreatment service permit holder.

(b) On or before the fifteenth day of each calendar month, each biological pretreatment service permit holder shall provide a monthly report to the health officer, setting forth the name, address and telephone number of each site at which biological pretreatment service was performed and the dates on which the service was rendered during the preceding calendar month.

(c) Reports and notices under this section shall be a form promulgated by the health officer and shall be filed in such manner as the health officer may prescribe by regulations. A copy of the regulations shall be maintained for inspection in the offices of the health officer, and copies shall be provided at the fees prescribed by law.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-479—47-480. Reserved.**DIVISION 7. CAR WASH DRYING BEDS****Sec. 47-481. Certificate required.**

It shall be unlawful for any person to operate or cause to be operated a drying bed for grit trap waste at any car wash premises for which a current and valid registration certificate has not been issued under this division.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-482. Application; standards.

In order to obtain a drying bed registration certificate, a car wash operator shall make application on a form provided for that purpose by the health officer and shall demonstrate that the facility will, at a minimum, meet the following requirements:

- (1) The base of the drying bed shall be made of impervious material sufficient to prevent the release of any leachate;
- (2) The drying bed shall be surrounded by a berm made of impervious material sufficient to prevent the release of any leachate, be not less than two feet in height and provide at least one foot of freeboard at all times;
- (3) The drying bed shall be covered. The cover shall not be more than eight inches nor less than four inches in height above the wall of the drying bed and shall extend at least one foot beyond the outside of the berm;
- (4) The drying bed shall be adequately ventilated to prevent the accumulation of emissions;
- (5) All construction must comply with the Construction Code;
- (6) All discharges from the drying bed shall be returned to a grit trap or back to the structure itself; and
- (7) The drying bed must be at least ten feet from any property boundary.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 02-399, § 94, 5-15-02)

Sec. 47-483. Issuance; acceptance.

(a) Following receipt of a properly completed application, the health officer shall issue a registration certificate to the applicant for the site designated on the application, unless it is determined that the facility will not comply with the criteria established in section 47-482 of this Code. If the application is denied, then the applicant shall be given written notice of the grounds and shall be afforded an opportunity for a hearing.

(b) Following receipt, the applicant shall review the registration certificate for accuracy and sign the certificate if it is correct. If the certificate contains any inaccuracies, the applicant shall notify the department and return the certificate for correction. The certificate shall be valid only when signed by the car wash operator.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-484. Term; cancellation.

(a) Subject to continuing compliance with applicable provisions of this article, a registration certificate shall be of perpetual duration.

(b) Following notice of the grounds and an opportunity for a hearing, the health officer may cancel a registration certificate.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-485. Amendment.

A registration certificate holder shall have a continuing duty to request amendment of its certificate whenever there is a change in any item for which a representation or response was made in its registration certificate application. The registration certificate holder shall submit application for the amendment in writing within 15 days following the occurrence of the event making the amendment necessary. Failure to timely submit an application for amendment shall cause the registration to become void.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-486. Fees; lost certificates.

There shall be no fee for the filing of an original application or amendment application under this division or for the issuance of an original registration certificate or an amendment thereto. However, a fee of \$25.00 shall be imposed for reissuance of lost or missing registration certificates.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-487. Assignment or transfer prohibited.

A registration certificate is personal to the holder to whom it is issued and is valid only for

the site specified thereon. Any attempt to assign or transfer a registration certificate to another person or site shall render it void.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-488. Posting required.

Each registration certificate holder shall cause its registration certificate to be conspicuously posted at the site to which it pertains. Upon request of a transporter or the health officer, the registration certificate holder shall specify the location at which the registration certificate is posted and shall make the registration certificate available for verification and inspection.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-489. Transportation of grit trap waste.

It shall be unlawful for any person to transport grit trap waste, except pursuant to a current and valid transporter permit issued under this article and in compliance with all other applicable provisions of this article relating to the transportation of Class C waste.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-490—47-500. Reserved.**DIVISION 8. MANIFEST/SEPTIC TANK CONTROL TICKET DOCUMENTS****Sec. 47-501. Manifests and septic tank control tickets.**

(a) The department shall promulgate a multiple-copy form for manifests and septic tank control tickets to be used by generators, Class A site operators, transporters and disposers to document the transfer of waste.

(b) The manifest copies shall be designated as follows:

- (1) Generator copy.
- (2) Generator return copy.
- (3) HDHHS copy/transporter copy.
- (4) HDHHS copy/secondary transporter copy. If a secondary transporter is not used, this copy may be retained by the primary transporter.
- (5) Disposal site copy.

(c) The septic tank control ticket copies shall be designated as follows:

- (1) Public works and engineering/disposal site copy.
- (2) HDHHS copy.
- (3) Transporter copy.
- (4) Secondary transporter copy. If a secondary transporter is not used, this copy may be retained by the primary transporter.
- (5) State copy.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-502. Manifests for Class B and Class C wastes.

(a) The generator's portion of the manifest shall require the following information to be filled in:

- (1) Name, address and telephone number of the person who generated the waste;
- (2) The city or state generator registration number, if applicable;
- (3) Total waste volume removed;
- (4) Waste capacity of interceptor;
- (5) Waste classification;
- (6) Waste description;
- (7) Transporter's name, address, telephone number and permit number;
- (8) Name and signature of the transporter's driver;
- (9) Date of delivery to transporter;
- (10) Name of disposal site;
- (11) Name and signature of the generator or the generator's on-site representative who authorized the removal on behalf of the generator; and
- (12) Any other relevant information required by the health officer.

(b) The remainder of the manifest shall require the following information to be filled in:

- (1) Secondary transporter's name, address, telephone number and permit number, if a secondary transporter is used;
- (2) Name and signature of secondary transporter's driver, if a secondary transporter is used;
- (3) Location at which the waste was transferred to the secondary transporter, if applicable;
- (4) Date of transfer to secondary transporter, if applicable;
- (5) Date of delivery to the disposal site;
- (6) Name and signature of the on-site representative of the facility to which the wastes were delivered for disposal; and

- (7) Any other relevant information required by the health officer.
(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-503. Septic tank control tickets for Class A waste.

(a) The Class A site operator's portion of the septic tank control ticket shall require the following information to be filled in:

- (1) Name, address and telephone number of the person who generated the waste;
- (2) Total waste volume removed;
- (3) Waste capacity of interceptor or septic tank;
- (4) Waste classification;
- (5) Transporter's name, address, telephone number, permit number and vehicle number;
- (6) Name and signature of transporter's driver;
- (7) Date of delivery to transporter;
- (8) Name of disposal site;
- (9) Name and signature of the Class A site operator who authorized the removal of the wastes from the site; and
- (10) Any other relevant information required by the health officer.

(b) The remainder of the septic tank control ticket shall require the following information to be filled in:

- (1) Secondary transporter's name, address, telephone number and permit number, if a secondary transporter is used;
- (2) Name and signature of the secondary transporter's driver, if a secondary transporter is used;
- (3) Location at which the waste was transferred to the secondary transporter, if applicable;
- (4) Date of transfer to secondary transporter, if applicable;
- (5) Date of delivery to the disposal site;

- (6) Name and signature of the on-site representative of the facility to which the wastes were delivered for disposal; and

- (7) Any other relevant information required by the health officer.
(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-504. Forms supplied to transporters.

(a) The health officer shall supply manifest and septic tank control ticket forms to transporters for their use under this article. The health officer may impose a fee that is based upon the city's production cost for the forms.

(b) It shall be the duty of each transporter to maintain a supply of manifest and septic tank control ticket forms in each vehicle that is being utilized for the transportation of waste in the city and to make the forms available to generators and Class A site operators whose sites are serviced by its vehicles in order to timely and properly complete the documentation requirements of this article.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-505—47-510. Reserved.

DIVISION 9. GENERATION, TRANSFER AND DISPOSAL OF WASTE

Subdivision 1. Generator and Class A Site Operator Responsibilities

Sec. 47-511. Verification of transporter registration.

No generator or Class A site operator shall allow a transporter to remove waste from a site under the person's control unless the transporter's vehicle displays current and valid registration decals.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-512. Complete removal required.

No generator or Class A site operator shall remove or cause or allow any person to remove waste from an interceptor on his site, unless the entire contents of the interceptor are removed

from the site. It is the express intent of this section to prohibit the use of "mobile processors" and other devices that purport to separate waste or de-water the contents of an interceptor and leave a portion of the materials at the site. (Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-513—47-520. Reserved.

Subdivision 2. Documentation Responsibilities

Sec. 47-521. Signature and accuracy.

(a) Each generator shall complete and sign the generator's portion of the manifest prior to allowing removal of waste from the generator's site. The generator shall ensure that the generator's portion of the manifest is complete and accurate.

(b) Each Class A site operator shall complete and sign the Class A site operator's portion of the septic tank control ticket prior to allowing removal of waste from the site. The Class A site operator shall ensure that the Class A site operator's portion of the septic tank control ticket is complete and accurate.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-522. Retention.

Each generator shall retain, on site, the completed generator copy until it receives the completed generator return copy from the transporter. The generator shall retain the generator return copy of the manifest on site for a period of five years from the date the waste is transported from the generator site as specified on the manifest. The documents shall be retained at a location that is situated within the county and shall be made available for inspection and copying by the health officer at the generator's place of business during regular working hours, immediately upon request. It is a defense to prosecution under this section that the waste removed consisted exclusively of portable toilet waste from portable toilets provided by the transporter.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-523. Report to health officer.

If the generator return copy is not received from the transporter within 15 days after the date

the waste was picked up from the generator's site as shown on the manifest, the generator shall file with the department a copy of the generator copy of the manifest together with a signed affidavit in a form specified by the health officer stating that the generator return copy was not received within the 15-day period required. The generator copy and affidavit shall be filed at an office specified by the health officer within ten business days after the expiration of 15 days after the waste was transported from the generator's site as specified on the manifest.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-524—47-530. Reserved.

Subdivision 3. Transporters' Duties

Sec. 47-531. Manifest/septic tank control ticket completion.

It shall be unlawful for a transporter to:

- (1) Remove or receive waste from the site of a generator unless the generator's portion of the manifest has been completed, the transporter has signed the manifest, and the generator's copy of the manifest has been left with the generator.
- (2) Remove Class A waste from the site on which it was generated unless the Class A site operator's portion of the septic tank control ticket has been completed.
- (3) Remove or receive waste from another transporter unless both transporters complete and sign the manifest or septic tank control ticket, as applicable.
- (4) Transport a waste load without having, at all times in the vehicle transporting the waste, a copy of the manifest(s) for all Class B or C waste being carried or septic tank control ticket(s) for all Class A wastes being carried.
- (5) Discharge any Class B or C waste at a lawful disposal site without entering the name of the disposal site and the date the waste is delivered to the disposal site for final disposal, obtaining the signature of the disposer and tendering to the disposer

the disposal site copy of the manifest signed and completed by both the generator and the transporter(s).

- (6) Discharge any Class A waste at a lawful disposal site without entering the name of the disposal site and the date the waste is delivered to the disposal site, obtaining the signature of the disposer and tendering to the disposer the disposal site copy of the septic tank control ticket signed and completed by both the Class A site operator and the transporter(s).

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-532. Verification of registration.

It shall be unlawful for any transporter to remove or receive Class B or C waste from any site that is not registered as a generator as provided in division 2 of this article. It is an affirmative defense to prosecution under this section that the waste consists exclusively of portable toilet waste.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-533. Return of manifests and septic tank control tickets.

Each transporter of Class B or C waste shall ensure that the completed generator return copy of the manifest is delivered to the generator within 15 calendar days after the date the waste was picked up from the generator's site. If the waste load is transferred to another transporter, the secondary transporter shall send the completed generator return copy to the generator within 15 days after the date the waste was picked up from the generator's site.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-534. Monthly report; review; retention.

(a) On or before the fifteenth day of each calendar month, each transporter shall submit to the health officer the documents specified to be submitted below which shall document all of its waste transportation originating within the city during the preceding calendar month. Delivery shall be made in person, by courier, or by certified mail, return receipt requested. Transporters shall

obtain, from the health officer, a receipt for all hand-delivered documents. All manifests, septic tank control tickets and other documents submitted under this section shall be true, accurate and complete. The documents to be submitted are:

- (1) All HDHHS/transporter copies or HDHHS/secondary transporter copies of the manifests except manifests for portable toilet waste;
- (2) All HDHHS copies of the Class A septic tank control tickets;
- (3) A monthly waste summary for portable toilet waste in the form prescribed by the health officer; or
- (4) A written statement signed by the transporter's manager stating that the transporter did not transport any waste from a site within the city during the preceding calendar month.

(b) The health officer shall review the reports submitted under subsection (a) and return any manifests or septic tank control tickets submitted therewith to the submitting transporter within 60 days following receipt of the report. Following receipt of the returned documents, the transporter shall retain them for a period of five years from the date of disposal as reflected on the manifest or septic tank control ticket. The documents shall be retained at a location that is situated within the county and shall be made available for inspection and copying by the health officer at the transporter's place of business during regular working hours, immediately upon request.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-535—47-540. Reserved.

Subdivision 4. Transportation Requirements

Sec. 47-541. Vehicle maintenance.

(a) Each transporter shall maintain each vehicle used by him for the transportation of waste in good working order. Without limitation, the transporter shall ensure that all hoses, tanks, pumps,

pipes, valves and gauges shall be in good repair and free of any leaks that could cause a spill or discharge of waste from the vehicle.

(b) Each transporter shall ensure that the name and telephone numbers that are required to be affixed under item (4) of section 47-453 is maintained and is legible at all times and that the discharge valves are marked as required by state regulation.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-542. Spill remediation.

(a) Each transporter shall be responsible for the clean-up of any spills from its registered vehicles. In the event the city or the city's contractor provides the service of cleaning up the transporter's spill, the transporter shall pay the city's or its contractor's reasonable costs for clean-up as determined by the city official and as provided by the terms of the transporter's bond. Payment shall be made within 30 days after the date of written notice from the city official.

(b) In the event of any spill of waste, the transporter shall take appropriate remedial action, including removing or causing removal of the spill in compliance with all applicable environmental laws and regulations and issuing any notices to regulatory agencies as required under state or federal law or regulations.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-543. Storage of waste.

A transporter shall store waste only in a mobile closed container (container on wheels) and shall not store waste for more than four days. A transporter who temporarily stores waste at a fixed or permanent site shall comply with all applicable state regulations.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-544. Mixing wastes.

(a) A transporter shall not collect or transport incompatible wastes in the same container. Nor shall a transporter utilize the same pumping equipment for incompatible wastes without first cleaning the equipment between batches to prevent the mixing of incompatible wastes.

(b) It is an affirmative defense to prosecution under subsection (a) that each of the following requirements was met:

- (1) The mixing of the wastes did not cause a dangerous chemical or physical reaction;
- (2) The facility to which the mixed wastes were being transported was then authorized to store, process, or dispose of the mixed wastes;
- (3) The transporter was then authorized to transport each of the wastes being mixed; and
- (4) The vehicle in which the wastes were being transported then met the requirements to transport each of the wastes being carried therein.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-545. Complete removal required.

No transporter shall remove waste from any interceptor unless the entire contents of the interceptor are removed from the site. It is the express intent of this section to prohibit the use of "mobile processors" and other devices that purport to separate waste or de-water the contents of an interceptor and leave a portion of the materials at the site.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-546—47-550. Reserved.

Subdivision 5. Responsibilities of Disposers

Sec. 47-551. Compliance.

It shall be unlawful for a disposer to accept waste originating within the city from a transporter unless:

- (1) The transporter's manifest or septic tank control ticket accurately identifies the amount and type of waste contained in the vehicle at the time of disposal;
- (2) The transporter's vehicle displays current and valid registration decals or complies with appropriate state and federal identification and placarding requirements for the wastes being carried; and

- (3) The transporter tenders to the disposer any required manifest or septic tank control ticket, completed and signed by both the generator and the transporter(s).
(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-552. Handling of documentation.

(a) After acceptance of a waste load originating within the city from a transporter, a disposer shall sign and date the manifest or septic tank control ticket tendered by the transporter and shall return all copies of the manifest or septic tank control ticket except the disposal site copy to the transporter.

(b) The disposer shall maintain the disposal site copy of each manifest and septic tank control ticket delivered to him for five years after the date of receipt of waste as reflected on the manifest or septic tank control ticket.
(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-553—47-560. Reserved.

Subdivision 6. Inspections.

Sec. 47-561. Generator inspections.

(a) The health officer shall conduct inspections of generators to verify compliance with the requirements of this article and other laws relating to wastes.

(b) Inspections shall include, but are not limited to, verification of compliance with this article and other applicable laws regarding generation, transportation and disposal of waste. City officials shall observe the establishment's rules and regulations concerning safety, internal security and fire protection. If the establishment has management in residence, the city official shall notify management or the person in charge of the city official's presence and shall exhibit proper credentials; provided, however, if refused entry onto the premises, the city official shall procure a search warrant to inspect the facilities or records.
(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-562. Vehicle inspection at designated place.

Upon notice by the health officer, each transporter shall deliver one or more registered vehicles as designated by the health officer to the location designated by the health officer for inspection and/or compliance testing by the health officer. The notice shall designate the time and place for delivery of the vehicle(s) and shall give the transporter reasonable notice for the delivery. The health officer shall release each vehicle no later than the close of business on the same day on which it is received, unless retention of the vehicle for a longer period is agreed upon in writing between the health officer and the transporter. Delivery for inspection and testing of a registered vehicle shall be demanded pursuant to an administrative procedure established by the health officer.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-563. Vehicle spot inspection.

Transporters' registered vehicles traveling city streets are subject to stops and inspections by peace officers as provided by law. A peace officer may call upon a health officer for technical assistance in conducting the inspection. Transporters shall so advise their drivers. Unless a truck is out of compliance, it shall not be detained longer than one hour by the peace officer.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-564. Inspections of vehicles.

The health officer shall conduct inspections of transporters' vehicles and required documentation when observed to be in the receipt or disposal of waste.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-565. Vehicle inspections.

Vehicle inspections that are conducted on a spot basis shall include:

- (1) Identification check of the driver.
- (2) Registration and title check of the vehicle.
- (3) Review of manifests as required by local, state or federal law.

- (4) Sampling of the contents of the registered vehicle if the health officer or police officer has the ability to properly sample the contents. Samples shall be taken by trained personnel. Split samples may be taken if the driver supplies a sample bottle for the driver's portion.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-566. Procedures.

The director of the department shall establish procedures for inspections to be conducted by health officers under this subdivision. Copies of the procedure shall be available for public inspection in the offices of the director of the department and may be purchased at the fees prescribed by law. To the extent practicable, the health officer shall notify affected persons of the adoption or amendment of the procedures.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-567—47-600. Reserved.

ARTICLE XII. STORM WATER DISCHARGES*

DIVISION 1. IN GENERAL

Sec. 47-601. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Accessory structure shall mean a non-commercial structure of the type typically associated with a single-family residential dwelling unit, including, but not limited to, a garage, carport or barn.

Applicant shall mean the owner of the land on which new development or significant redevelopment will occur or his authorized agent.

CFR shall mean the Code of Federal Regulations, as it may be amended from time to time.

***Editor's note**—Section 11 of Ord. No. 01-800 states that this article shall take effect at 12:01 a.m. on October 1, 2001.

Clean Water Act shall mean the federal Water Pollution Control Act, 33 U.S.C. § 1251, et seq., as amended from time to time.

Commercial activity shall mean any profit or not-for-profit activity involved in the manufacture, storage, transportation, distribution, exchange or sale of goods or commodities, or the sale or lease of real property in the provision of professional or nonprofessional services, or in the use of property for residential purposes other than single-family residential purposes.

Construction permit shall mean an official document or certification issued by either the building official or the city engineer authorizing performance of a specified construction activity, including, but not limited to, building permits, plumbing permits, electrical permits, HVAC permits, lateral storm sewer permits, excavation permits, utility construction permits, paving permits, demolition permits, and development permits required by section 19-17 of this Code.

Design manual shall mean the Department of Public Works and Engineering Design Manual for Wastewater Collection Systems, Water Lines, Storm Drainage and Street Paving, as it may be amended from time to time.

Developed parcel shall mean a parcel that is not undeveloped.

Development shall mean (i) any activity that requires a subdivision plat or development plat pursuant to Chapter 42 of this Code; (ii) the further subdivision of any reserve tract that is part of a subdivision plat approved by the city planning commission or pursuant to article II of Chapter 42 of this Code; or (iii) any activity that requires a construction permit.

Discharge shall mean the introduction or addition of any pollutant, storm water or other substance into the MS4, or to allow, permit or suffer any such introduction or addition.

Discharger shall mean a person who causes or threatens to cause a discharge.

Dwelling unit shall mean a structure, or a portion of a structure, that has independent living facilities including provisions for nontransient sleeping, cooking and sanitation.